

STATE OF VERMONT
DRUG RECOGNITION EVALUATION
DPS 339



Rolling Log No. 08-16-16 Case Number 08A104711

Page 1 of 3 TO BE COMPLETED BY D.R.E. TRAINED PERSONNEL

Offense(s) Charged DUE

Name (Last, First, Middle) [REDACTED] DOB [REDACTED] Age 28 Sex M Arresting Officer (Name/Agency) Jon MARCOW / SHELBURNE

Date/Time of Exam 10-17-08/0045 034 Time 0041 Refused Instrument # 070866 Date/Time/Location of Examination 10-17-08/0102 hrs / SHELBURNE PD

Admonition of Rights given by? Cpl MARCOW Rights Waived? [X] Yes [] No What have you eaten today? RAMEN NOODLES Time? 1200 noon What have you been drinking? BEER How much? 2 Time of last drink? 6-7 pm

Time Now? 0104 When did you last sleep? LAST NIGHT How long? 5 hrs Are you sick or injured? [] Yes [X] No Are you diabetic or epileptic? [] Yes [X] No

Do you take insulin? [] Yes [X] No Do you have any physical defects? [] Yes [X] No Are you under the care of a doctor/dentist? [] Yes [X] No

Are you taking any medication or drugs? ROZAC 40mg Daily [X] Yes [] No Do you have high blood pressure or heart disease? If yes, describe. [] Yes [X] No Have you ever had a severe head injury? [] Yes [X] No Do you have brain damage? [] Yes [X] No

Speech NORMAL Attitude/Behavior COOPERATIVE Coordination Face FLUSHED Breath/Odors CANNABIS

Corrective Lenses [] Glasses [] Contacts [] Hard [] Soft [X] None Eyes [] Normal [X] Bloodshot [X] Watery Blindness [X] None [] Right Eye [] Left Eye

Pupil size [X] Equal [] Unequal (explain) Pulse & Time 1. 106, 0110 2. 98, 0129 3. 106, 0144 HGN Lack of smooth pursuit [] Yes [X] No Max. deviation [X] Yes [] No Angle of onset [] Resting (0) [] Rapid (35) [X] Extreme (45) [] Immediate (0-30) [] Near extreme (40) [] None Right eye [] Yes [X] No Left eye [] Yes [X] No Vertical nystagmus? [] Yes [X] No Convergence [] Yes [X] No

(1) Romberg Balance [X] B/F [X] S/S (2) Walk and turn CIRCULAR SWAY ARMS FOR BALANCE THROUGHOUT (3) One leg stand Timed 30 seconds Count # 25 Count # 25

Internal clock 34 Estimated as 30 sec. Describe turn TURNED BY SPINNING Cannot do test (explain)

(4) [X] Right [] Left Finger/Nose Draw lines to spots touched Pupil Size: MM Light Right Eye Left Eye

Room Light 6.5 6.5 Near Total Darkness 8.0 8.0 Direct 5.5 5.5 Hippus [] Yes [X] No Rebound dilation [] Yes [X] No Reaction to light [X] Normal [] Slow [] Little or None Visible

Blood pressure 138/94 Temperature 98.6 °F Muscle tone [X] Near Normal [] Flaccid [] Rigid Chemical test time: [] Urine [] Blood [X] Both tests refused

Comments MARIJUANA 90 min ago Drug admission? P. RAVELIN I.D. Number 15470

Agency VSP-Williston Reviewed by LT. [Signature] 10/28/08 Opinion of Evaluator: [X] Rule Out [] Alcohol [] Stimulant [] Dissociative Anesthetic [] Inhalant [] Medical [] Depressant [] Hallucinogen [] Narcotic Analgesic [X] Cannabis

Drug recognition evaluation report/narrative

1: **Location:** The evaluation was conducted at the Shelburne Police Department in the DUI processing room.

2: **Witness:** The entire evaluation was witnessed by Cpl. Marcoux of the Shelburne Police Department.

3: **Breath Test:** A preliminary breath test was obtained from [REDACTED] with a result of .034% BrAC at approximately 0041 hours using an Alco IV serial number 070866

4: **Notification/Interview of A/O:** At approximately 0035 hours, Cpl. Marcoux requested a DRE evaluation on [REDACTED] after observing [REDACTED] drive through a steady red light on Shelburne Road in South Burlington. Cpl. Marcoux advised [REDACTED] performed poorly on Field Sobriety Exercises and provide a sample of his breath with a Preliminary Breath Test result of .034% BrAC.

5: **Initial Observations:** I first observed [REDACTED] at road side while Cpl. Marcoux was issuing the Preliminary Breath Test. Cpl. Marcoux then placed [REDACTED] into custody and transported him to the Shelburne Police Department. At the Shelburne Police Department, I observed [REDACTED] eyes were watery and bloodshot. I detected an odor of burnt marijuana emanating from his person.

6: **Medical Problems:** [REDACTED] stated he had a prescription for Prozac 40 mg but was not currently under the care of a physician. No evidence of injury or illness was observed.

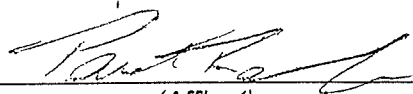
7: **Psychophysical Tests:** [REDACTED] exhibited impairment throughout all portions of the psychophysical test. On the Romberg Balance, [REDACTED] exhibited a 1" circular sway. On the Walk and Turn, [REDACTED] turned incorrectly by spinning around when he was instructed to take several small steps. He used his arms for balance almost continuously throughout the entire exercise. On the One Leg Stand, [REDACTED] used his arms for balance while standing on the left foot and counted slowly taking thirty seconds to count to twenty two. While standing on the right foot [REDACTED] again used his arms for balance and counted slowly taking thirty seconds to count to twenty five. On the Finger to the Nose, [REDACTED] failed to touch the tip of his nose on numbers 1, 2, 3, and 4.

8: **Clinical Indicators:** Eyes: [REDACTED] pupils were of equal size and he was able to follow a stimulus. I noted an onset of HGN at forty-five degrees. I observed a lack of convergence in the left and right eyes. Reaction to light was normal and his pupils were above normal size at room light, normal size in near total darkness and above normal size in direct light. I observed rebound dilation in both the left and right eyes. [REDACTED] eyes were watery and exhibited reddened conjunctiva. VITAL SIGNS: [REDACTED] pulse rate was above normal on all three readings (106, 98, and 106). His blood pressure was above normal at 138/94.

Subscribed and sworn to before me on

this 21 day of October 2008

(Notary Public) (Judicial Officer)


(Affiant)
10-21-08
(date)

Drug recognition evaluation report/narrative

9: **Signs of Ingestion:** [REDACTED] had a greenish film on his tongue. I detected an odor of marijuana on his breath.

10: **Statements:** [REDACTED] stated he had smoked approximately one bowl of marijuana approximately thirty minutes before being stopped by Shelburne Police. He advised he took one 40 mg Prozac in the morning as prescribed by a doctor.

11: **Opinion of Evaluator:** In my opinion, [REDACTED] was under the influence of marijuana and was unable to operate a motor vehicle safely

12: **Toxicological Sample:** [REDACTED] refused to have a sample of his blood drawn.

13. **Miscellaneous:** I am a Nationally Certified Drug Recognition Expert since July 2008

Subscribed and sworn to before me on

this 21 day of OCTOBER 2008

(Notary Public) (Judicial Officer)

(Affiant)

10-21-08
(date)

VERMONT DEPARTMENT OF HEALTH LABORATORY

195 COLCHESTER AVE. P.O. BOX 1125

BURLINGTON, VT 05402-1125

802-863-7335 1-800-660-9997(VT only)

Miscellaneous Toxicology Analysis Report

Laboratory No.(s), 09EB 105

Receipt Date: 11/20/2008

Submitter: George P. Merkel

Agency: Middlebury P.D.

Address: 1 Lucius Shaw Lane

Town: Middlebury State: VT

Zip: 05753

Sample Description: 10 ml test tube of blood
from donor [REDACTED]

Case No. 08MB3681

Analysis Requested: Amphetamines

Result[s] of analysis:

Amphetamines by GC/MS	Results	Reporting Limit
Amphetamines	<100 ng/ml	100 ng/ml
Methamphetamine	negative	100 ng/ml
MDMA	negative	100 ng/ml

Laboratory Notes:

Amphetamines present at less than 100 ng/ml

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Report release: _____
Date Analyst